



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Atty Shehadey, Vanessa L.; Chiu, Henry Y.; of Tucker, Chiu, Hebesha & Ward (for Conservators, Ted Miller and Norma Miller)

(1) Biennial Status Report of Conservators, (2) Petition for Authority to Pay Attorneys' Fees and Costs, and (3) Withdrawal of Funds from Blocked Account and Budget

Age: 38 years		TED MILLER and NORMA MILLER , parents and Co-Conservators of the Person and Estate appointed in 1994 without bond, are Petitioners.	NEEDS/PROBLEMS/COMMENTS: Continued from 10/28/2014. Minute Order states Mr. Chiu is appearing via CourtCall. The Court is prepared to accept the biennial report and approve the other matters prayed for upon the submission of a detailed declaration setting forth the expenditures. The Court notes that this matter is being continued so counsel can submit a declaration and the Court can address the issue regarding the accounting procedure. Note: Court will set a status hearing as follows: Monday, October 31, 2016 at 9:00 a.m. in Dept. 303 for filing of the next biennial status report or the first account of the Conservatorship estate. ~Please see additional page~
Cont. from 102814		Report period: 6/1/2012 - 8/31/2014	
Aff.Sub.Wit.		Beginning POH - \$700,211.46	
✓	Verified	(consisting of 2008 handicap-equipped van (\$56,233.95), unblocked Merrill Lynch account cash of \$6,797.96, and blocked Merrill Lynch account valued at \$637,179.55.)	
	Inventory		
	PTC		
	Not.Cred.	Ending POH - \$630,986.39	
✓	Notice of Hrg	(consisting of 2008 handicap-equipped van (\$56,233.95), unblocked Merrill Lynch account cash of \$9,286.39, and blocked Merrill Lynch account valued at \$565,466.05.)	
✓	Aff.Mail		
	Aff.Pub.	Biennial Budget - \$115,200.00	
	Sp.Ntc.	(total of \$57,600.00 each year for two years (2014 through 2016) to be withdrawn from blocked account @ \$4,800.00 per month;)	
	Pers.Serv.	Conservators - waive	
	Conf. Screen	Attorney - \$2,400.00	
	Letters	(for services for preparation of biennial report and related pleadings; for protracted hearing on the Report of Conservator filed 6/20/2012; per Declaration of Henry Y. Chiu filed 9/23/2014;)	
	Duties/Supp	Costs - \$682.50	
	Objections	(Courtcall; filing fees for petition for withdrawal and for instant Report; certified copies;)	
	Video Receipt	Petitioners state:	
✓	CI Report	<ul style="list-style-type: none"> During the period of this account, the sum of \$4,800.00 per month has been deposited into the unblocked account at Merrill Lynch for the payment of ongoing monthly expenses of the Conservatorship; Conservators used these funds for payment of expenses related to living, medical, health care, education, rehabilitative, handicap accessibility and handicap transportation expenses of the Conservatee; 	
	9202	~Please see additional page~	
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: LEG
			Reviewed on: 1/8/15
			Updates:
			Recommendation:
			File 1 – Miller

Petitioners state, continued:

- The Budget filed herewith provides an itemized list that specifies the estimated expenses for the Conservatorship for October 2014 through October 2016 (*Please refer to Biennial Budget for Conservatee filed 9/23/2014 and expenses on Exhibit A;*)
- No increase in the **\$4,800.00** monthly withdrawal is requested;
- There is still a need for the Conservatorship; there is likely to remain a need for the Conservatorship throughout the lifetime of the Conservatee;
- Conservators have administered the conservatorship without waste and in the exercise of their powers as Conservators have rendered services to the Conservatorship in connection with the management and administration of the Conservatorship, including bookkeeping, preservation of records, clerical functions, dealing with the institution at which Conservatorship funds are maintained, meeting with counsel to discuss various matters with regard to the Conservatorship;
- Conservators are entitled to a reasonable fee for the services; however, Conservators have waived, and hereby again waive, their right to any fee for said services.

Conservators pray for an Order:

1. Approving the Report of Conservators;
2. Approving and confirming the acts of the Conservators;
3. Authorizing the Conservators to withdraw from the blocked account at Merrill Lynch the amount of **\$2,400.00** to pay Tucker, Chiu, Hebesha & Ward on account of legal services rendered by the attorney on behalf of the Conservatorship, at the amount of **\$682.50** for costs advanced.

Court Investigator Jennifer Young's Annual Review was filed on 10/23/2014.

Notes for background:

- Conservatee received a settlement of over **\$940,000.00** in 1990 as a result of a motor vehicle accident she suffered at age 13. Petitioners were appointed as Guardians of her estate in 1990 and were later appointed Conservators of her Person and Estate in 1994. The **JOCELYN MILLER IRREVOCABLE TRUST** (Case 0493690) owns a single asset consisting of the home in which Conservatee and her parents reside, which was specially designed for the Conservatee's needs associated with her traumatic brain injury and medical conditions stemming from the accident.
- *Order Settling Fifth Account and Report* filed 9/5/2007 authorized the **\$4,800.00** per month withdrawals as an increase from the previous **\$4,400.00** allowed per month; prior to 2000, the amount was **\$4,000.00** per month.
- Conservators have purchased, after obtaining Court approval for the withdrawals from blocked account, handicap-equipped vans as follows:
 1. 1994 Ford van for **\$43,562.57**, approved by Order signed 11/14/1994;
 2. 2003 Pontiac van for **\$38,768.11** (valued at **\$46,268.11**), approved by Order signed 10/28/2003;
 3. 2008 Dodge van for **\$56,233.95**, approved by Order signed 8/27/2008.

~Please see additional page~

NEEDS/PROBLEMS/COMMENTS, continued:

1. *Declaration of Henry Y. Chiu filed 9/23/2014* requests **\$2,400.00** for attorney fees for services rendered to the Conservatorship, including conferences with Conservators, conferences with Merrill Lynch representatives, preparation for Court hearings on behalf of the Conservatorship, preparation of the *Report of Conservators and Petition for Authority to Pay Attorney's Fees and Costs*, preparation of annual budget and corresponding documents, and other related Conservatorship matters. Declaration states the Conservatorship estate incurred considerable attorney fees in connection with the hearing in October 2012 as a result of multiple Court appearances at the request of Judge Oliver; in addition, time was expended in assisting Conservators in filing an ex parte petition to withdraw funds [of **\$7,495.13**] to replace an air conditioning unit. Paragraph 28 of the *Report* state that the attorney fees are requested as a result of a protracted hearing on the *Report of Conservators* filed on 6/20/2012. Need authority to support the attorney request for fees based upon the following case history, provided for the Court's information in determining whether the requested fees should be authorized:
 - **Minute Order dated 7/25/2007** from the hearing on the *Fifth Account and Report of Conservators* filed 6/18/2007 states: **"The Court orders that no further attorney fees will be paid on future accountings [emphasis added.] Accounting should be on file by 8/29/2007."** It is noted that accountings appear to have been waived in 1994 such that accountings have not been filed pursuant to Probate Code § 2620 et seq. by the Conservators throughout the conservatorship, but Conservators have filed budget reports, which in every respect are less taxing to prepare than accountings. *Local Rule 7.16(B)(4)* provides that Court will allow a flat fee for attorney services for each timely filed subsequent account of **\$1,250.00** per year; this rule is mentioned by analogy for the Court's consideration in determining whether the Conservator's Reports warrant the fee request in spite of the Court's order of 7/25/2007 ordering that no further attorney fees will be paid in the matter.
 - **Report of Conservators filed on 6/20/2012** was set for hearing on 7/25/2014. *Minute Order* dated 7/25/2014 from the hearing on that Report states: "No appearances. Matter continued to 8/22/2012." It is noted that Exhibit 1 attached to *Declaration of Henry Y. Chiu filed 9/23/2014* containing the itemization of services does not include the date of 7/25/2014 on which no appearance was made by the attorney; the itemization begins on 8/16/2012, and itemizations dated 8/22/2014 (the date of the continued hearing due to attorney non-appearance) include services to attend 8/22/2014 hearing by CourtCall and conference with Judge Oliver regarding concerns of the Court. *Minute Order* dated 8/22/2012 states: "Counsel is directed to submit a declaration regarding the household budget as well as any improvements made and paid by the Millers." *Declaration of Ted Miller and Norma Miller in Support of Report of Conservators* was filed on 9/21/2012.

***Supplemental Declaration of Henry Y. Chiu in Support of Report of Conservators and Petition for Authority to Pay Attorney's Fees and Costs filed 1/6/2015* states:**

- Exhibit 1 attached to the *Declaration of Henry Y. Chiu in Support of Report of Conservators and Petition for Authority to Pay Attorney's Fees and Costs* filed 9/23/2014 is a detailed statement setting forth the legal services provided to the Conservators; the total attorney fees requested is the sum of **\$2,400.00**; to keep fees to a minimum, their firm utilizes the services of their paralegal when at all possible;
- The last order approved attorney fees was the order filed 10/3/2013; however, the petition associated with that order was filed 6/20/2012; the fees approved in that order were for fees incurred prior to 6/20/2012;
- The current petition captures fees incurred since the 6/20/2012 filing; during the period 6/21/2012 through 9/17/2014, the conservatorship estate incurred expenses for (1) the continued hearings on the petition filed 6/20/2012, through the date of the order filed on 10/3/2012; (2) the preparation of an ex parte petition and order to withdraw funds from blocked account for the purchase of HVAC units, and an appearance through CourtCall for the same; and (3) the preparation of the budget as well as the status report;
- No fees have been included for the appearance on 10/28/2014 by CourtCall or for the expenses incurred in preparation of the response to the Court's inquiries which [was filed 1/6/2015];
- The attorney fees span a period of over 2 years; the sum of **\$2,400.00** is a reasonable expense for such work.

~Please see additional page~

NEEDS/PROBLEMS/COMMENTS, continued:

2. Paragraph 6 of the Report states that on **11/16/1994**, an Order Appointing Petitioners as Conservators was filed with the Court, wherein the Court waived further accountings and ordered that the amount of **\$933,069.53** be placed in a blocked account at Merrill Lynch. **Minute Order dated 8/27/2008** from the hearing on the Report of Conservators filed 9/5/2008 states, in pertinent part: "Attorney Shehady brings to the Court's attention that the order dated 11/16/1994 waived all accountings. This Court will require an annual report." Probate Code § 2620 et seq. requires accountings be filed for all conservatorship estates unless the conservatorship estate satisfies the requirements of Probate Code § 2628(a). It is unclear from Court records the basis upon which the Conservators had founded their request for waiver of accountings in 1994. The following is provided for the Court's consideration in revisiting the Court's granting in 1994 of the waiver of accountings:
- **Probate Code § 2628(a) provides:** the court may make an order that the conservator need not present the accounts otherwise required by this chapter so long as **all** of the following conditions are satisfied:
 - (1) The estate at the beginning and end of the accounting period for which an account is otherwise required consisted of property, exclusive of the residence of the conservatee, of a total value of less than **\$15,000.00**; [*Here, Conservatorship value is stated as \$630,986.39 as of 8/31/2014; the Court is provided no bank statements for verification of assets and income as would otherwise be required under Probate Code § 2620(c), due to the waiver of accountings*];
 - (2) The income of the estate for each month of the accounting period, exclusive of public benefit payments, was less than **\$2,000.00**; [*Again, the Court is provided no information as to assets and income to the Conservatorship in the form of Merrill Lynch bank account statements of balance and any gain or loss on investments*]; and
 - (3) All income of the estate during the accounting period, if not retained, was spent for the benefit of the Conservatee.
 - **Exhibit A, Budget for October 2014 through October 2016 (Estimated)** lists expenses incurred each year, a few of which are listed below, about which the Court may require further information and itemization as to allocation of the expenses solely to the Conservatee; because accountings are waived, there is no indication in the Report that the Conservators apportion the amounts to share the expenses with the Conservatee:
 - Home Health Aide/Therapy of **\$18,000.00**;
 - Credit Card of **\$6,000.00**;
 - AT&T of **\$350.00**;
 - Cable of **\$1,750.00**;
 - PGE/Utilities of **\$5,500.00**;
 - Taxes of **\$4,500.00**;
 - Home/Van insurance, gas, repairs and expense totaling **\$4,150.00**;
 - Home repairs and upkeep of **\$3,000.00**;
 - Pool expense of **\$1,200.00**;
 - Miscellaneous of **\$1,400.00**.

~Please see additional page~

Declaration of Ted Miller and Norma Miller in Support of Report of Conservators and Waiver of Further Accountings filed 1/6/2015 states:

- This declaration is being provided per the Court's instruction on 10/28/2014 to us as Conservators to provide further explanation as to certain charges, and to address the issue of whether an accounting should be imposed;
- Their daughter, Jocelyn (the Conservatee), was a passenger involved in a motor vehicle accident when she was 13 years old and sustained a traumatic brain injury with resultant spasticity and contractures with developmental delay; she has short-term memory of ~5 minutes; she is also paraplegic, and requires 24-hour assistance for many routine daily activities, including use of the restroom;
- Petitioners were appointed as Jocelyn's Guardians of the person and estate on 3/2/1990 in part to receive funds in settlement and compromise causes of action and damages suffered by Jocelyn in connection with the accident;
- On 9/9/1994, they were named conservators of Jocelyn's conservatorship estate; on the same date a Minute Order was entered by Judge Stephen R. Henry authorizing a withdrawal of **\$4,000.00** per month for the Conservatee's expenses and requiring them to file verified budgets; he also waived an accounting of the **\$4,000.00** withdrawals;
- The assets on hand in the guardianship were transferred to them as Conservators and have been retained in the same Cash Management Account at Merrill Lynch; the account has been blocked since the Court's order authorizing compromise of minor's settlement, and no withdrawals can be made without order of this Court;
- As a further term of the settlement a trust known as the **JOCELYN MILLER IRREVOCABLE TRUST** was established with settlement funds; Wells Fargo was the initial trustee; the current trustee is **STEVEN L. JACKSON, CPA**;
- The Court Investigator has been interviewing the Conservatee and Conservators since the first report filed 9/6/1994, and has found no issues to report to the Court with regard to Jocelyn's physical or financial wellbeing;
- To keep up with the cost of living and monthly expenses, they requested the Court approve increases in the monthly draw; on 7/26/2000, the Court approved an increase in the original monthly draw from **\$4,000.00** to **\$4,400.00** per month; in 2007, the Court granted another increase from **\$4,400.00** to **\$4,800.00** per month, where it remains today;
- As set forth in the Biennial Status Report filed 9/23/2014, the checking account had **\$9,286.39** as of 8/31/2014; they are not depleting the funds each month and believe they have a health reserve in the account;
- The investment account at Merrill Lynch was down approximately \$67,000.00 from December 2012 to December 2013 due to a downturn in the market and monthly withdrawal ;
- To fulfill their duties as prudent investors as Conservators, within the last 2 years, they reviewed the Merrill Lynch Investment account and made the decision to transfer the accounts held at Merrill Lynch to a new account manager;
- Since that transfer, the accounts have been producing a greater rate of return and have remained relatively steady as shown on *Exhibit B (attached)*;
- **Explanation of Budget and Expenses:** *[Please refer to Part II, pages 3 to 8 of Declaration of Ted Miller and Norma Miller];*
- **Petitioners' respectfully request the Court continue to waive accountings** *[Please refer to Part IV, pages 8 to 10 of Declaration of Ted Miller and Norma Miller.]*

Age: 6 years		COLBY LEWIS and JENNY LEWIS , maternal uncle and aunt, are petitioners.	NEEDS/PROBLEMS/COMMENTS:
		DONALD LEWIS and ARLA LEWIS , maternal grandparents, were appointed guardians on 6/23/2009. Mr. and Mrs. Lewis have filed a resignation as guardians effective upon the appointment of Colby and Jenny Lewis.	
Cont. from		Father: WILLIS WALKER – personally served on 12/2/14	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Mother: SHASTA LEWIS – deceased.	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	Paternal grandfather: John Walker – served by mail on 11/18/14.	
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Paternal grandmother: Carol Duarte – served by mail on 11/18/14.	
<input checked="" type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input checked="" type="checkbox"/>	Pers.Serv.	W/	
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Tulare County, Court Investigator Mario Correa's Report filed on 12/31/14 believes that Colby Lewis and Jenny Lewis would be suitable guardians for Jett.

Reviewed by: KT
Reviewed on: 1/7/15
Updates:
Recommendation:
File 2 - Lewis

Amended First Account and Report of Trustee of Edward Crable Special Needs Trust; Amended Petition to Settle Account

Age: 17	PATTI CRABLE , trustee, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Hearing and proof of service by mail at least 30 days before the hearing of Notice of Hearing to all interested parties. 2. There appears to be an addition error in the accounting and it does not balance. Further, it does not appear that the ending balance on hand is correct, as the bank statement attached to the Supplement filed 12/03/14 indicates that the balance is \$9,251.55 and not \$9,250.00 as stated on the Summary of Account. Also, the figures on the Summary of Account do not match the Summary on page 3 of the Supplement. Need revision/clarification. 3. The account indicates that the trust disbursed \$10,000.00 to the Leigh Law Group for legal services that resulted in the beneficiary being placed in a private out of state school valued at over \$50,000.00 that was paid for by the school district. Declaration of Jay Jambeck indicates that the placement was essential to the well-being of the beneficiary and the family agreed to pay the fees from the Special Needs Trust. However, it does not appear that a court order was obtained authorizing the payment and it is unclear whether this type of expenditure was authorized by the Trust instrument without a Court order. The court may require more information/authority for this expenditure. Further Notice of Hearing to the bonding company (International Fidelity Insurance Company) may be required. 4. Need Order.
	Account period: 09/25/12 – 08/15/14	
	Accounting - \$19,250.00?	
	Beginning POH - \$0.00	
	Ending POH - \$9,250.00	
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	Trustee - not addressed	
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC	Attorney - not addressed	
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg	x Bond is currently filed in the amount of \$11,000.00, petitioner is requesting that bond be reduced to zero because the remaining assets of the Trust are held in a blocked account.	
<input type="checkbox"/> Aff.Mail	x	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input type="checkbox"/> Order	x	
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: JF
		Reviewed on: 01/08/15
		Updates:
		Recommendation:
		File 3 - Crable

4 George L. Smith (Estate)
Atty Thompson, Timothy L.; Cunningham, Nikole E., of McCormick Barstow (for Petitioner Michelle K. Johnson, daughter)
Atty Nuttall, Natalie (for Christine Reynolds, Decedent's former caregiver)
Status Hearing

Case No. 13CEPR00058

DOD: 10-3-12	MICHELLE K. JOHNSON , daughter, filed a Petition for Letters of Administration on 1-22-13 that was set for hearing on 2-21-13.	NEEDS/PROBLEMS/COMMENTS: Status Report filed 1-6-15 by Attorney Cunningham states that on 10-30-14, Judge Oliver requested that Petitioner agree to a 30 day "hold" on all matters to provide Respondent time to locate new counsel. This status hearing was set to determine the status of Ms. Reynolds' efforts in locating new counsel and to set a trial date. It has now been more than 60 days since the settlement conference; however, the attorney has not been informed as to whether Ms. Reynolds has located new counsel. Petitioner continued the "hold" through the holidays, but intends to begin conducting discovery following the 1-13-15 status hearing and will request that the matter be set for trial.
	On 2-21-13, the Court was informed that a petition/will contest would be filed. The matter was continued to a date to be determined once a petition is filed.	
	On 4-9-13, MICHELLE K. JOHNSON filed a petition against CHRISTINE REYNOLDS , former non-relative caregiver, seeking findings of financial elder abuse, conversion, and recovery of estate property pursuant to probate Code § 850.	
Aff.Sub.Wit.	Following settlement attempts, and pursuant to Ex Parte Petition filed 12-20-13, the Court appointed CHRISTINE REYNOLDS as Special Administrator for the purpose of obtaining copies of Decedent's financial accounts on 1-7-14 (exp. 4-7-14).	
Verified	On 6-9-14, MICHELLE K. JOHNSON filed a petition for Letters of Special Administration	
Inventory	On 7-21-14, the Court appointed MICHELLE K. JOHNSON as Special Administrator with Letters to expire 10-16-14 for the sole purpose of obtaining true and correct copies of all account statements from all financial accounts held in the name of Decedent George L. Smith, and set status hearing for 10-16-14 for a report of the special administration.	
PTC	Minute Order 10-16-14 states: The Court is advised that the Letters of Special Administration do not need to be extended. Matter is set for settlement conference on 10-30-14.	
Not.Cred.	Minute Order 10-30-14 set this status hearing.	
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc Reviewed on: 1-7-15 Updates: Recommendation: File 4 - Smith

First Account Current - Report of Conservatorship

		NGOI NGUYEN , Conservator, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Hearing. 2. Need proof of service of the Notice of Hearing on Lan Nguyen, conservatee. 3. Need Order. Local Rule 7.1 states a proposed Order shall be submitted with all pleadings that request relief. If the proposed order is not received in the Probate Filing Clerk's Office ten (10) days before the scheduled hearing, a continuance may be required. <u>Note:</u> If the petition is granted, status hearings will be set as follows: • Wednesday, February 15, 2017 at 9:00 a.m. in Department 303, for the filing of the second account. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required. Reviewed by: KT Reviewed on: 1/8/15 Updates: Recommendation: File 5 - Nguyen
		Account period: 10/24/13 – 11/26/14	
Cont. from		Accounting - \$7,025.00	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH - \$ 25.00	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$7,025.00	
<input checked="" type="checkbox"/>	Inventory	All funds are held in a blocked account.	
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	X Conservator - waives	
<input type="checkbox"/>	Aff.Mail	X Attorney - fees not requested	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	Petitioner requests an order of the Court that:	
<input type="checkbox"/>	Conf. Screen	1. The first account of petitioner be settled, allowed and approved as filed;	
<input type="checkbox"/>	Letters	2. All of the acts and proceedings of Petitioner be confirmed and approved.	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	2620(c)		
<input type="checkbox"/>	Order	X	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

1) Petition for Final Distribution on Waiver of Accounting, 2) and for Allowance of Attorneys' Fees and Costs of Administration

DOD: 9/14/13	LINDA CROUCH , Executor, is petitioner.		NEEDS/PROBLEMS/COMMENTS:
	Accounting is waived.		
	I & A	- \$190,000.00	1. Probate Code §10501(a)(6) requires Court supervision of sales of real property to the personal representative. 2. Need Order. Local Rule 7.1 states a proposed Order shall be submitted with all pleadings that request relief. If the proposed order is not received in the Probate Filing Clerk's Office ten (10) days before the scheduled hearing, a continuance may be required.
	POH	- \$0	
Cont. from	Executor	- waives	
<input checked="" type="checkbox"/> Aff.Sub.Wit.	Attorney	- \$6,130.00 (statutory, to be paid outside of probate)	
<input checked="" type="checkbox"/> Verified	Costs	- \$1,867.50 (filing fees, certified copies, publication, probate referee, to be paid outside of probate)	
<input checked="" type="checkbox"/> Inventory	Petition states prior to the death of the decedent due to a terminal illness and medical expenses, the decedent and his spouse (petitioner) sought a reverse mortgage with the lender of the real property. At that time, the property was in joint tenancy between the husband and wife and had been owed by them for many years. As a condition of the reverse mortgage, the lender, required the decedent to take title to the real property in his name solely. During the administration of the estate, the lender required the executor/spouse purchase the real property on a short sale for \$171,000.00. The Court is requested to approve the short sale as required by the lender.		
<input checked="" type="checkbox"/> PTC	Petitioner is the sole beneficiary of the estate. Since the real property sold during the administration there are no assets to distribute.		
<input checked="" type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg			
<input checked="" type="checkbox"/> Aff.Mail	W/		
Aff.Pub.			Reviewed by: KT Reviewed on: 1/8/15 Updates: Recommendation: File 5 - Crouch
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
<input checked="" type="checkbox"/> Letters	2/10/14		
Duties/Supp			
Objections			
Video Receipt			
CI Report			
<input checked="" type="checkbox"/> 9202			
Order	X		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
<input checked="" type="checkbox"/> FTB Notice			

Atty Belardinelli, Richard; Georgeson, C. Russell; of Georgeson & Belardinelli (for Petitioner Edmund Nolte, Jr.)

Atty Sullivan, Jr., Robert L.; Emerzian, David; of McCormick Barstow (for Respondent Marjorie A. Nolte, Trustee)

Petition for Recovery of Trust Property and Account

Edmund Sr. DOD: 12/13/2006	<p>EDMUND V. NOLTE, JR., son and Trust Beneficiary, is Petitioner.</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> MARJORIE A. NOLTE is the duly appointed and acting Trustee of the NOLTE FAMILY TRUST dated 5/20/1999; The Trust that is the subject of this <i>Petition</i> was created pursuant to a written Declaration of Trust subsequently modified and restated pursuant to a document entitled "Resignation of Trustees and Agreement Modifying and Restating the Nolte Family Trust" of EDMUND V. NOLTE, SR., and ROSETTA M. NOLTE, deceased (<i>copy attached as Exhibit A</i>); As set forth in the Trust, upon the death of the surviving Trustor, Rosetta, the Trustee was directed to distribute the assets of the Trust instrument in equal shares to ERNEST RICHARD NOLTE, son, and to the Petitioner; The Trustee has violated the duty owed to Petitioner as beneficiary in that she has failed and refused to administer the trust property according to the trust instrument, and in particular, has failed and refused to distribute half of the assets of the trust instrument to Petitioner; Marjorie A. Nolte, as Trustee, has failed and refused to provide an account of the Trust at any time; On 1/17/2013, Petitioner, through his counsel, delivered to the Trustee a written request for an accounting of her acts as Trustee (<i>copy of request attached as Exhibit B</i>); the Trustee has failed to provide the requested account. <p align="center">~Please see additional page~</p>	NEEDS/PROBLEMS/COMMENTS:
Rosetta DOD: 5/7/2009		<p>Note: This matter will be heard at 8:30 a.m. in Department 72.</p> <p>Page 1B is the <i>Status Hearing</i>. (Examiner notes are not prepared for the <i>Settlement Conference</i> set for 1/13/2015.)</p> <p>Continued from 10/21/2014.</p> <p>Notes:</p> <ul style="list-style-type: none"> Order Re: Stipulation for Continuance of Settlement Conference filed 10/15/2014 re-sets the Settlement Conference on 12/2/2014, which was later continued per Attorney request to 1/13/2015. Minute Order dated 6/20/2013 set the matter for Court Trial on 3/11/2014, which was stipulated and continued to 1/20/2015.
Cont. from 051513, 052013, 062013, 112213, 012414, 102114		
Aff.Sub.W.		
✓ Verified		
Inventory		
PTC		
Not.Cred.		
✓ Notc of Hrg		Non-jud. council
✓ Aff.Mail		W/
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Conf. Screen		
Letters		
Duties/S		
Objection		
Video Receipt		
CI Report		
9202		
Order		X
Aff. Post		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		<p>Reviewed by: LEG</p> <p>Reviewed on: 1/7/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1A – Nolte</p>

Petitioner prays for an Order:

1. Compelling Marjorie A. Nolte, as Trustee, to submit her accounting of her acts as Trustee since 5/7/2009 through present;
2. Compelling Marjorie A. Nolte to redress the breach of trust described in the *Petition* by distributing half of the assets of the Trust to Petitioner; and
3. For costs.

Reply to Petition for Recovery of Trust Property and Account filed by MARJORIE A. NOLTE on 5/13/2013 states:

- Edmund V. Nolte, Sr. and Rosetta M. Nolte originally established the **NOLTE FAMILY TRUST** by Declaration of Trust dated 5/20/1999; the Trust was amended and restated in its entirety by *Resignation of Trustees and Agreement Modifying and Restating the Nolte Family Trust* dated 11/7/2005 (copy attached as Exhibit A);
- When the Trust was initially established, the Trust was funded with only two assets: (a) a parcel of commercial property located on Marks Ave. in Fresno; and (b) a residence located at Windsor Blvd. in Cambria;
- On 10/28/2005, shortly before the Resignation and Restatement was executed, the commercial property was sold by the Trust and the net proceeds from the sale of the commercial property were deposited into a joint bank account established on 6/28/2005 by the Trustors in the joint names of Edmund V. Nolte, Sr., Rosetta M. Nolte, and their granddaughter, **NATALIE NOLTE**;
- On 11/7/2005, following the sale of the commercial property, Mr. and Mrs. Nolte executed the *Resignation of Trustees*, by which, among other things, they resigned as Trustees of the Trust and appointed their daughter-in-law, Marjorie (Respondent), as Trustee of the Trust; when Respondent became Trustee of the Trust on 11/7/2005, the only remaining asset of the Trust was the Cambria residence; at the time of death of the last surviving Trustor (Rosetta), the Trust became irrevocable and the Cambria residence remained the only asset of the Trust;
- On 9/2/2010, Respondent as Trustee of the Trust caused the Cambria residence to be distributed to the two beneficiaries of the Trust by execution of Grant Deed to Ernest Richard Nolte and Edmund V. Nolte, Jr., in equal shares as tenants in common (copy of Grant Deed attached as Exhibit B);
- By making final distribution of the Cambria residence, Respondent completed her duties and responsibilities as Trustee of the Trust;
- Petitioner alleges that Respondent "...has failed and refused to administer the trust property according to the trust instrument, and in particular, has failed and refused to distribute half of the assets of the trust instrument to Petitioner." This allegation is false, for indeed on 9/2/1010, the Respondent did in fact cause all of the assets of the Trust to be distributed to the Trust's beneficiaries;
- Petitioner alleges that Respondent "...has failed and refused to provide an account of the above-described trust at any time." Once again, this allegation is false; in a telephone conversation with Petitioner's counsel on 2/11/2012, Respondent's counsel advised Petitioner's counsel that there was only one asset of the Trust (the Cambria residence); that the residence had been distributed to the Trust's beneficiaries in 2010; and that under these circumstances it would seem a waste of time and money to prepare an accounting which merely showed the distribution in kind of the sole asset of the Trust; at no time did either Respondent or her counsel refuse to provide an accounting;

~Please see additional page~

Reply to Petition filed 5/13/2013 by MARJORIE A. NOLTE, continued:

- As demanded in the *Petition*, Respondent has prepared an accounting of the administration of the Trust from 5/7/2009 through 3/31/2013 (copy attached as Exhibit C); Exhibit C, *First and Final Account of Trustee, Marjorie A. Nolte, Covering the Period from 5/7/2009 To and Including 9/2/2010*, shows the following:

Accounting	-	\$850,000.00
Beginning POH	-	\$850,000.00
Ending POH	-	\$ 0.00*

***Schedule G, Deductions from Account / Distributions states:** Pursuant to Article Fourth, Section D, Subsection 4 and Article Fourth, Section F, Subsection 2 of the foregoing Trust, distribution of residential real estate in Cambria, CA [legal description omitted] to **ERNEST RICHARD NOLTE** and **EDMUND V. NOLTE, JR.**, each as to an undivided ½ interest as tenants in common, Appraised value -- **\$850,000.00**.

- In connection with the accounting, Petitioner caused the Cambria residence to be appraised as of 5/7/2009 [Rosetta's date of death, showing a value of **\$850,000.00**] by the San Luis Obispo County Probate Referee (copy of the Appraisal Report attached as Exhibit D).

Respondent prays for an Order:

- Denying any and all of the relief sought in the *Petition*;
- Allowing and approving the account of Trustee which is attached as Exhibit C; and
- Determining that by and upon distribution of the Cambria residence to the Trust's beneficiaries, the Respondent completed and fully performed all of her duties as Trustee of the Trust.

Status Report filed by Attorney Sullivan for Marjorie A. Nolte, Trustee, on 6/17/2013 states:

- At the 5/20/2013 hearing on the *Petition for Recovery of Trust Property and Account*, and in response to the question of the Court, Mr. Noyes advised the Court that he wished to proceed with discovery in this matter; to set a mandatory settlement conference; and to have the matter set for trial; Mr. Sullivan advised the Court that Mr. Noyes had represented that he had specific information concerning various accounts of the Trust, but that he had declined to provide them to Mr. Sullivan; the Court ordered that a status conference be set on 6/20/2013; that no discovery proceed until after the status conference; and that Mr. Noyes should provide to Mr. Sullivan the information in his possession concerning accounts held in the name of the Trust;
- On 5/23/2013, Mr. Noyes provided to Mr. Sullivan 112 pages of documents consisting of current and previous estate planning documents of Edmund V. Nolte, Sr., and Rosetta M. Nolte; the only documents delivered which referred to Trust account information at issue were [9 specific pages, copies attached as Exhibits A, B and C];

~Please see additional page~

Status Report filed by Attorney Sullivan for Marjorie A. Nolte, Trustee, on 6/17/2013, continued:

- Respondent and her attorney have reviewed the foregoing information and other account information in the possession of the Respondent, and report to the Court as follows:
 1. Exhibits A and B disclose 3 Mid-State Bank [*located in Cambria*] accounts [*numbers omitted*] standing in the name of Edmund V. Nolte, Sr., and Rosetta M. Nolte in May of 1999, the month in which the Trust was originally established;
 2. Exhibit C makes reference to 2 Mid-State Bank accounts [*numbers omitted*] standing in the name of the Trust in March of 2005;
- Respondent was not involved with the Trust in 1999, as she did not become Trustee of the Nolte Family Trust until 11/7/2005, and accordingly, she has no specific knowledge of the disposition of the 3 accounts referenced in Exhibits A and B; however, it appears that the 2006 checking and savings accounts referenced in Exhibit C were merely renumbering of the 1999 accounts referred to in Exhibits A and B in order to reflect the retitling of those accounts in the name of the Nolte Family Trust; the Respondent has no knowledge as to the disposition of the 1999 Certificate of Deposit [*number omitted*];
- At the time the Trust was amended and restated in its entirety on 11/7/2005, the Trust's Mid-State Bank checking and savings accounts continued in existence; both of these accounts were actively used by Edmund V. Nolte, Sr., and Rosetta M. Nolte as Trustees of the Nolte Family Trust from the establishment of the Trust in 1999 until 11/7/2005 when Mr. and Mrs. Nolte restated the Trust, resigned as Co-Trustees and appointed Respondent as Trustee of the Trust;
- Prior to amending and restating the Trust and resigning as Trustee, Mr. and Mrs. Nolte established a joint bank account at Union Bank, not in the name of the Trust but in the name of Edmund V. Nolte, Sr., and Rosetta M. Nolte, and their granddaughter, **NATALIE NOLTE** ("Joint Tenancy Account"); after 2005, the Joint Tenancy Account was the primary account used for the payment of Mr. and Mrs. Nolte's bills and living expenses;
- The Mid-State Bank checking account remained in existence until 5/4/2006, on which date the Respondent instructed Mid-State Bank to close the account by fax transmittal dated 5/4/2006 (*copy attached as Exhibit D*); bank statement for that account dated 5/5/2006 (*copy attached as Exhibit E*), indicates a balance of **\$17.78**, and after applying an account closing charge of **\$2.83**, the bank issued a check for **\$14.95**, thereby closing the account; Respondent has no recollection of the disposition of the **\$14.95** check;
- The Mid-State Bank savings account remained in existence until March of 2008, and the 3/31/2008 statement for the account (*copy attached as Exhibit F*) indicates a closing balance of **\$1,312.91**, and this is the last statement for this account in the Respondent's possession; on 5/6/2009, this account was closed by issuance of a cashier's check for **\$1,314.19** (*copy attached as Exhibit G*), which was deposited into the Joint Tenancy Account on 5/6/2009 by Respondent because this was the account used for the care and benefit of Mr. and Mrs. Nolte during their lifetimes; however, Respondent now realizes the check should not have been deposited into the Joint Tenancy Account in 2009 for the reason that both Mr. and Mrs. Nolte were then deceased, and the beneficiaries of the Trust were not the beneficiaries of the Joint Tenancy Account; had the funds been held in a trust account, they would nevertheless have not been available for distribution to the beneficiaries of the Trust, for the reason that the expenses of administration of the Trust, including preparation of the Trustee's accounting, far exceeded the **\$1,314.19** amount of funds in question;

~Please see additional page~

Status Report filed by Attorney Sullivan for Marjorie A. Nolte, Trustee, on 6/17/2013, continued:

- To the best of Respondent's knowledge, the bank accounts referred to in this *Status Report* are the **ONLY** *[emphasis in original]* accounts in which Edmund V. Nolte, Sr., and Rosetta M. Nolte ever held any interest, either individually or through the Trust; the Mid-State Bank accounts referred to in *Exhibit C* are the only bank accounts which ever came into the Trustee's possession and control;
- Accordingly, as fully set forth in Respondent's *Reply* filed 5/13/2013, the only remaining asset of the Trust on the date of Rosetta M. Nolte's death on 5/7/2009 was the Cambria Residence, which was distributed to the beneficiaries of the Trust on 9/2/2010, by reason of which there are no remaining assets in the Trust.

Respondent requests the Court grant the relief set forth in her *Reply* by entering an Order as follows:

1. Denying any and all relief sought in the Petition;
2. Allowing and approving the account of the Trustee filed 5/13/2013; and
3. Determining that upon distribution of the Cambria Residence to the Trust's beneficiaries, the Respondent completed and fully performed all of her duties as Trustee of the Trust.

1B Nolte Family Trust

Case No. 13CEPR00264

Atty Belardinelli, Richard; Georgeson, C. Russell; of Georgeson & Belardinelli (for Petitioner Edmund Nolte, Jr.)

Atty Sullivan, Jr., Robert L.; Emerzian, David; of McCormick Barstow (for Respondent Marjorie A. Nolte, Trustee)

Status Hearing

Edmund Sr. DOD: 12/13/2006	EDMUND V. NOLTE, JR. , son and Trust Beneficiary, filed a <i>Petition for Recovery of Trust Property and Account</i> on 3/29/2013.	NEEDS/PROBLEMS/COMMENTS:
Rosetta DOD: 5/7/2009		
	MARJORIE A. NOLTE , daughter-in-law of Trustors and the current acting Trustee, filed a <i>Reply to Petition for Recovery of Trust Property and Account</i> on 5/13/2013.	Note: This matter will be heard at 8:30 a.m. in Department 72.
Cont. from 102114	Following discovery motions and rulings, <i>Minute Order</i> dated 6/20/2013 set the matter for Court Trial on 3/11/2014.	Continued from 10/21/2014. <i>Minute Order</i> states the Court notes that there will not be a stipulation prepared by counsel and the <i>Minute Order</i> of 10/16/2014 will be the order of the Court. [Please refer to center column for text of <i>Minute Order</i> dated 10/16/2014.]
Aff.Sub.Wit.	Order Granting Trial Continuance filed 7/10/2014 continues the Court Trial to 1/20/2015 , and continues the Settlement Conference and Probate Status Hearings to 10/21/2014 .	
Verified	Order Re Stipulation for Continuance of Settlement Conference filed 10/15/2014 continues the Settlement Conference to 12/2/2014 at 10:30 a.m. Subsequently, the Court authorized a one-time continuance of the Settlement Conference to 1/13/2015 per request of Attorney Belardinelli based upon his stating that he had not taken any Depositions in the matter, though they were scheduled to take place in December 2014.	
Inventory	Tentative Ruling filed 10/15/2014 grants Respondent Marjorie Nolte's Motion to Compel Deposition of Edmund Nolte, Jr. with Request for Production of Documents, and denies Petitioner Edmund Nolte, Jr.'s Motion for Protective Order Restricting Discovery by Excluding Ernest Nolte From the Deposition of Petitioner Edmund V. Nolte Jr.	
PTC	Minute Order dated 10/16/2014 from the Motion for Protective Order Restricting Discovery by Excluding Ernest Nolte From the Deposition of Petitioner Edmund V. Nolte Jr., and the Motion to Compel Deposition of Edmund Nolte, Jr. with Request for Production of Documents states: The time limit for depositions is extended. There being no objections to the Tentative Ruling, the Court adopts the Tentative Ruling as the order of the Court. Counsel is directed to prepare a stipulation that includes the Court's order that parties not speak to one another or engage in confrontations during depositions.	
Not.Cred.	~Please see additional page~	
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LEG
		Reviewed on: 1/7/15
		Updates:
		Recommendation:
		File 1B – Nolte

Respondent MARJORIE A. NOLTE filed on 12/24/2014, the following documents:

- *Notice of Ex Parte Application for Order Shortening Time to Hear Motion to Exclude Evidence;*
- *Declaration of David L. Emerzian in Support of Ex Parte Application for Order Shortening Time to Hear Motion to Exclude Evidence; and*
- *Memorandum of Points and Authorities in Support of Ex Parte Application on Motion to Exclude Evidence.*

Order on Ex Parte Application for Order Shortening Time to Hear Motion to Exclude Evidence filed 12/30/2014 denies the application without prejudice for the following reasons: (1) a copy of the proposed *Motion to Exclude Evidence* is not but should be attached to the *Ex Parte Application for Order Shortening Time to Hear Motion to Exclude Evidence*; and (2) the *Motion to Exclude Evidence* is a consideration for the trial judge.

Clerk's Certificate of Mailing filed 12/30/2014 shows a copy of the Order on Ex Parte Application for Order Shortening Time to Hear Motion to Exclude Evidence was mailed to Attorney David Emerzian on 12/30/2014.

DOD: 8-1-13		PRIMAVERA DAMME , Daughter, is Petitioner and requests appointment as Administrator with Full IAEA with bond of \$175,000.00. Petitioner is a resident of Mesa, AZ. Full IAEA – need publication Decedent died intestate Residence: Fresno Publication: need publication Estimated value of estate: Personal property: \$ 5,000.00 Real property: \$ 170,000.00 Total: \$ 175,000.00 Probate Referee: Rick Smith	NEEDS/PROBLEMS/COMMENTS: Continued from 11-3-14, 12-3-14 As of 1-7-15, nothing further has been filed. The following issues remain: 1. Need Duties and Liabilities of Personal Representative (DE-147) and Confidential Supplement (DE-147S) 2. Need Notice of Petition to Administer Estate (DE-121) 3. Need proof of service of Notice of Petition to Administer Estate at least 15 days prior to the hearing pursuant to Probate Code §8110 on all parties listed at #8 of the petition: - Javier F. Sanchez (son) - Daniel Adan Sanchez (son) 4. Need publication pursuant to Probate Code §8120. 5. Need Order. 6. Need Letters.
Cont from 110314, 120314			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg <input checked="" type="checkbox"/>		
<input type="checkbox"/>	Aff.Mail <input checked="" type="checkbox"/>		
<input type="checkbox"/>	Aff.Pub. <input checked="" type="checkbox"/>		
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<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters <input checked="" type="checkbox"/>		
<input type="checkbox"/>	Duties/Supp <input checked="" type="checkbox"/>		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order <input checked="" type="checkbox"/>		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Reviewed by: skc	
Reviewed on: 1-7-15	
Updates:	
Recommendation:	
File 11 – Valencia	

Probate Status Hearing RE: Receipt for Blocked Account

		<p>STEPHANEE WOODWARD, Cousin, was appointed as Guardian of the Person and Estate pursuant to Order entered 8-28-14 with all fund to be blocked.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Minute Order 9-30-14:</u> Counsel will file documents regarding issues on Examiner Notes.</p> <p><u>Minute Order 11-3-14:</u> Ms. Van Doren represents to the Court that the settlement amount is unknown at this time. A written status report is to be filed no later than 12-1-14.</p> <p><u>Note:</u> On 11-3-14, Receipt was filed showing that a blocked account has been established with \$20.00. However, as of 1-7-15, no status report has been filed.</p> <p><u>Minute Order 12-8-14:</u> Ms. Van Doren represents that the funds have not yet been received.</p> <p>1. Need receipt for blocked account (MC-356) for the amount distributed to the minor or verified status report pursuant to Local Rule 7.5.</p> <p><u>Note:</u> Guardianship of the estate was requested in order to obtain any insurance or pension funds due the minor; however, at the time of appointment, the nature and amounts expected were unclear. The Court may require clarification regarding actions taken to determine whether the minor is entitled to lump sums or monthly payments, and if so, need Order to Deposit Money Into Blocked Account (MC-355).</p> <p><u>Note:</u> The Court also set a status date of <u>1-13-15</u> for the filing of the Inventory and Appraisal.</p>
Cont. from 093014, 110314, 120814			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.		<p>Separately on 8-28-14, the Court set this status hearing for the filing of the receipt for blocked account and sent notice to Attorney Van Doren.</p>	
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt		<p>Declaration of Cynthia M. Van Doren filed 12-4-14 states on or near 11-7-14, she contacted the Thrift Savings Plan via telephone and was instructed to submit a copy of the death certificate, Letters of Guardianship, and Form TSP-17. The information was submitted on 11-11-14. On 11-17-14 the attorney requested status, and was advised that the information was never received. All documents were faxed the next day. Documents were confirmed received on 11-25-14 and the attorney was advised that the case was complicated and had been transferred to another department, with no further explanation. The attorney left a message for the new assigned representative, Katherine Hemlock, that day and again on 12-1-14. The attorney also requested to speak with another agent, who stated that notes indicated that a prior request for benefits had been made in March 2014 by the former temporary guardian, and that the death benefit was "small," but declined to state a dollar amount. The new agent indicated that she would follow up with the assigned representative on the status of the death benefits.</p> <p>The attorney left another message for Ms. Hemlock on 12-2-14. As of 12-3-14, no further information has been received.</p>	
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			<p>Reviewed by: skc</p> <p>Reviewed on: 1-7-15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 16A - Fuente</p>

Probate Status Hearing RE: Filing of the Inventory & Appraisal

			STEPHANEE WOODWARD , Cousin, was appointed as Guardian of the Person and Estate pursuant to Order entered 8-28-14 with all funds to be blocked.	On 8-28-14, the Court set this status hearing for the filing of the Inventory and Appraisal and mailed notice to Attorney Van Doren.	NEEDS/PROBLEMS/COMMENTS: 1. Need Inventory and Appraisal pursuant to Probate Code §2610 or verified written status report pursuant to Local Rule 7.5.
	Aff.Sub.Wit.				
	Verified				
	Inventory				
	PTC				
	Not.Cred.				
	Notice of Hrg				
	Aff.Mail				
	Aff.Pub.				
	Sp.Ntc.				
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	Letters				
	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
	9202				
	Order				
	Aff. Posting				
	Status Rpt				
	UCCJEA				
	Citation				
	FTB Notice				
Reviewed by: skc					
Reviewed on: 1-7-15					
Updates:					
Recommendation:					
File 16B - Fuente					

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 06/30/11	RICARDO GARCIA , brother, was appointed as Administrator with Limited IAEA and without bond on 07/21/14. Letters of Administration were issued on 07/24/14.	NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED FROM 10/21/14</u> As of 01/07/15, nothing further has been filed. 1. Need Inventory & Appraisal.
Cont. from 082214, 102114		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
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Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 01/07/15
		Updates:
		Recommendation:
		File 17 – Blanco

Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 3-14-14	FLORINE FURLOW is Petitioner. (Relationship to Decedent is not stated.)	NEEDS/PROBLEMS/COMMENTS: Minute Order 10-28-14: Examiner Notes are provided to the petitioner. As of 1-7-15, nothing further has been filed. The following issues remain: 1. The petition is incomplete at #5 as to whether the decedent died intestate or testate. <u>Note:</u> At #12, Petitioner states she is a successor pursuant to a will, and at #15 Petitioner states she is the named executor; however, no will is attached and Court records do not indicate that a will has ever been deposited with the Court pursuant to Probate Code §8200. <u>Need clarification.</u> Is there a will? 2. The petition is incomplete at #9. Was the decedent survived by issue of a predeceased child? 3. The petition is incomplete at #10. #10 must be completed if the decedent was not survived by a spouse or issue. 4. The petition is incomplete at #13. Need specific property interest claimed by Petitioner. 5. The petition is incomplete at #14. Need list of names, including Petitioner, each person's relationship to decedent, and addresses, if applicable. <u>Note:</u> What is Petitioner's relationship to the decedent? Reviewed by: skc Reviewed on: 1-7-15 Updates: Recommendation: File 19 – Moore
	40 days since DOD	
Cont from 102814	No other proceedings	
<input type="checkbox"/> Aff.Sub.Wit.	I&A: \$66,500.00 (real property and personal property including a vehicle and home furnishings)	
<input checked="" type="checkbox"/> Verified	Petitioner states at #12 that she is a successor pursuant to Decedent's will; however, no will is attached.	
<input type="checkbox"/> Inventory	The petition is blank at #13 regarding the specific property interest claimed by Petitioner.	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg	x	
<input type="checkbox"/> Aff.Mail	x	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 6-13-14		JUANA M. AGUILAR and BENJAMIN AGUILAR are Petitioners.	NEEDS/PROBLEMS/COMMENTS:
Cont from 111814		(Relationships not stated.)	
	Aff.Sub.Wit.	40 days since DOD	
✓	Verified	No other proceedings	
✓	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	I&A: \$106,101.21 (residential real property valued at \$105,000.00 plus cash of \$1,101.21)	
	Aff.Mail		
	Aff.Pub.	Decedent died intestate (?)	
	Sp.Ntc.	Petitioners request (?) (#13 is blank)	
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

<ol style="list-style-type: none"> The petition is blank at #9a(2). Was the decedent survived by any children? The petition is blank at #9a(3). Was the decedent survived by issue of a predeceased child? #10 is blank. Need information, if applicable. Petitioners did not attach Attachment 11, which should provide the legal description of the real property and a description of any personal property included in this petition, and should also state what the decedent's interest in the real and personal property is. #12 and #15 indicate that there was a will; however, #5 indicated that the decedent died intestate. Need clarification and will, if any. #13 is blank. Need specific property interest claimed by each petitioner in the real and personal property. #14 is blank. Need list of heirs, including petitioners, and their relationship to the decedent. #16 indicates that the petitioners are trustees of a trust. Need clarification and Attachment 16. #17 is checked re conservatorship, but no names are provided. Need clarification and Attachment 17. Need revised order, including legal description of real property.
Reviewed by: skc
Reviewed on: 1-7-15
Updates:
Recommendation:
File 20 - Aguilar

Petition for Appointment of Guardian of the Estate (Prob. C. 1510)

		NO TEMP REQUESTED	NEEDS/PROBLEMS/COMMENTS:
Cont from 111814			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	x	
	Aff.Mail	x	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	x	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		

ALVIN MOULTRIE, Father, is Petitioner and requests appointment as Guardian of the Estate. (Bond not addressed.)

Mother: **CYNTHIA LYNNE WATKINS** - Deceased

Paternal Grandfather: Not listed
Paternal Grandmother: Not listed
Maternal Grandfather: Not listed
Maternal Grandmother: Not listed

Estimated value of estate: Not provided

Petitioner states ??
(#8 of the petition is blank. No reason for guardianship of the estate is provided.)

Note: Pages 25 and 26 are related cases.

Need amended petition. Deficiencies include, but may not be limited to:

- #1 is incomplete at the beginning.
- #1a is filled out for guardianship of the person.
- #1b is incomplete for guardianship of the estate.
- #1c is incomplete re bond.
- #7 (Character and estimated value of property of the estate) is incomplete.
- #8 (Reason for guardianship) is incomplete.
- Child Information Attachment at #2 (List of relatives) is incomplete.
- Child Information Attachment at #4 (Reason why appointing Petitioner would be best) is incomplete.
- Petitioner filed a Declaration of Due Diligence, but it is blank.
- Need Notice of Hearing.
- Need proof of service of Notice of Hearing with a copy of the petition on all relatives required to be given notice pursuant to Probate Code §1511.

Please note that pursuant to Local Rule 7.15.4, when the only asset is public assistance benefits, guardianship of the estate is not required.

Please also see Local Rule 7.8.1.I: It is the policy of the Court to block all funds in guardianship estates.

Petitioner may wish to seek legal advice from an attorney to confirm whether guardianship of the estate is appropriate. If granted, there are additional requirements, including inventory and appraisal and annual accountings that will need to be prepared in accordance with the Probate Code and other applicable law.

Reviewed by: skc

Reviewed on: 1-7-15

Updates:

Recommendation:

File 21 - Moultrie

Petition for Appointment of Guardian of the Estate (Prob. C. 1510)

		NO TEMP REQUESTED	NEEDS/PROBLEMS/COMMENTS:
Cont from 111814			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	x	
	Aff.Mail	x	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	x	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		

ALVIN MOULTRIE, Father, is Petitioner and requests appointment as Guardian of the Estate. (Bond not addressed.)

Mother: **CYNTHIA LYNNE WATKINS** - Deceased

Paternal Grandfather: Not listed
Paternal Grandmother: Not listed
Maternal Grandfather: Not listed
Maternal Grandmother: Not listed

Estimated value of estate: Not provided

Petitioner states ??
(#8 of the petition is blank. No reason for guardianship of the estate is provided.)

Note: Pages 25 and 26 are related cases.

Need amended petition. Deficiencies include, but may not be limited to:

- #1 is incomplete at the beginning.
- #1a is filled out for guardianship of the person.
- #1b is incomplete for guardianship of the estate.
- #1c is incomplete re bond.
- #7 (Character and estimated value of property of the estate) is incomplete.
- #8 (Reason for guardianship) is incomplete.
- Child Information Attachment at #2 (List of relatives) is incomplete.
- Child Information Attachment at #4 (Reason why appointing Petitioner would be best) is incomplete.
- Petitioner filed a Declaration of Due Diligence, but it is blank.
- Need Notice of Hearing.
- Need proof of service of Notice of Hearing with a copy of the petition on all relatives required to be given notice pursuant to Probate Code §1511.

Please note that pursuant to Local Rule 7.15.4, when the only asset is public assistance benefits, guardianship of the estate is not required.

Please also see Local Rule 7.8.1.I: It is the policy of the Court to block all funds in guardianship estates.

Petitioner may wish to seek legal advice from an attorney to confirm whether guardianship of the estate is appropriate. If granted, there are additional requirements, including inventory and appraisal and annual accountings that will need to be prepared in accordance with the Probate Code and other applicable law.

Reviewed by: skc

Reviewed on: 1-7-15

Updates:

Recommendation:

File 22 - Moultrie

Atty Aguirre, Micaela (pro per – paternal great-aunt/Petitioner)

Atty Garcia, Lena (pro per – mother/Objector)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Valentin, 5	<u>NO TEMPORARY REQUESTED</u>		NEEDS/PROBLEMS/COMMENTS: Petitioner is Spanish speaking. <u>CONTINUED FROM 01/07/15</u> Minute Order from 01/07/15 states: Mr. Reyes submits a Notice of Hearing in open court. Elaine Garcia, maternal grandmother, is provided a copy of the petition in open court. The remaining defects are to be cured. Ms. Garcia is to meet with the Court Investigator and provide copies of all paperwork brought to court today. The Court orders the matter referred to the Department of Social Services to assess the safety and welfare of the minor children. 1. Need proof of service of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person at least 15 days before the hearing <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: a. Paternal grandparents – service by mail sufficient b. Maternal grandparents -service by mail sufficient c. Jonathan Franco (brother) – service by mail sufficient
Adrian, 4	MICAELA AGUIRRE , paternal great-aunt, is Petitioner. Father: VALENTIN AGUIRRE – Personally served on 10/28/14 Mother: LENA GARCIA – Personally served on 10/28/14		
Delaina, 1	Paternal grandfather: NOT LISTED Paternal grandmother: TERESA AGUIRRE – Declaration of Due Diligence filed 01/06/15 Maternal grandparents: NOT LISTED		
Cont. from 010715			
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg	Siblings: JONATHAN FRANCO (17), EVANGELINA SERNA (8), SERENITY SERNA (7)		
<input type="checkbox"/> Aff.Mail	<input checked="" type="checkbox"/>		
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input checked="" type="checkbox"/> Pers.Serv.	<input type="checkbox"/> w/		
<input checked="" type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input checked="" type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input checked="" type="checkbox"/> CI Report	Petitioner states that guardianship is needed because the mother has left the children in her care and stated that she is unable to provide for them. Objection to Guardianship filed 11/26/14 by mother, Lena Garcia, states that she only meant for petitioner to have the children temporarily and that she can care for them. Court Investigator Jennifer Young filed a report on 12/18/14.		
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order	Declaration of Lena Garcia (mother) filed 01/06/15 objects to the guardianship and attaches a police report in which it states that the mother went with the police and took her children back from Petitioner on 12/29/14. Police released children to mother because petitioner did not have a court order granting her custody.		
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input checked="" type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
Reviewed by: JF			
Reviewed on: 01/08/15			
Updates:			
Recommendation:			
File 29 - Aguirre			